

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY DIETZ,

Plaintiff,

v.

QUALITY LOAN SERVICE CORP. OF
WASHINGTON; WELLS FARGO HOME
MORTGAGE; WELLS FARGO
BANK, N.A.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; DOE
DEFENDANTS 1-20,

Defendants.

CASE NO. C13-5948 RJB

ORDER RE-NOTING PLAINTIFF'S
MOTION TO EXTEND INITIAL
SCHEDULING DATES

This matter comes before the Court on Plaintiff's motion to extend initial scheduling dates. Dkt. 16. The Court has considered the pleadings in support of the motion and the record herein.

On October 30, 2013, pro se Plaintiff filed his Complaint naming Wells Fargo Home Mortgage, Wells Fargo Bank, N.A. (collectively Wells Fargo), Mortgage Electronic Registration Systems, Inc's (MERS), and Quality Loan Services Corporation as defendants in this post-sale wrongful foreclosure action. Dkt. 1. The Complaint asserts that the Defendants are liable for violations of the Fair Debt Collection Practices Act (FDCPA)(Counts I and IV) and violations of

the Washington Deed of Trust Act (DTA)(Counts II and III). Dkt. 1. Defendants Wells Fargo and MERS filed appearances and moved for dismissal of the action. Dkts. 5 and 6. There is no record that Quality Loan Services Corporation has been served with summons and complaint, and there has been no appearance on behalf of Quality Loan Services Corporation.

Dietz filed a response to the motion to dismiss asserting that his complaint stated a cause of action. Dkt. 11. Subsequently, Dietz filed another pleading in which he states the he “freely and voluntarily motions the court to dismiss Defendants Wells Fargo and MERS from this complaint without prejudice.” Dkt. 14. In an attached memorandum Dietz states that “new discoveries have been made,” and “to preclude amending a complaint in haste,” Dietz seeks dismissal without prejudice to amend the complaint. Dkt. 14-1.

On January 3, 2014, the Court entered an Order granting Wells Fargo and MERS’s motion to dismiss. Dkt. 15. The claims against Wells Fargo and MERS were dismissed without prejudice and Plaintiff was provided an opportunity to file an amended complaint against these parties no later than February 7, 2014. *Id.* In the event an amended complaint is not timely filed, the complaint against Defendants Wells Fargo and MERS will be dismissed with prejudice, without further notice. *Id.*

The initial scheduling Order set the following dates for initial disclosure and submission of the Joint Status Report and Discovery Plan:

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|---|-----------|
| Deadline for FRCP 26(f) Conference: | 1/15/2014 |
| Initial Disclosures Pursuant to FRCP 26(a)(1): | 1/22/2014 |
| Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f): | 1/29/2014 |

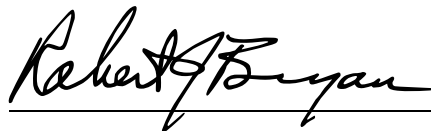
Dkt. 3.

1 It appears that these dates cannot be adhered to because at present Plaintiff has no causes
2 of action against Defendants Wells Fargo and MERS, and it appears that Quality Loan Services
3 Corporation has not been served. However, prior to providing an extension of time and resetting
4 the dates, Plaintiff must file his proposed amended complaint, which is due no later than
5 February 7, 2014. In the event Plaintiff files an amended complaint the motion of an extension
6 of time will be taken into consideration.

7 Therefore, it is hereby ORDERED:

8 Plaintiff's motion for an extension of time of initial scheduling dates (Dkt. 16) is **RE-**
9 **NOTED** for February 7, 2014.

10 Dated this 21st of January, 2014.

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13 ROBERT J. BRYAN
14 United States District Judge
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